

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EUN JUNG CHOI,

Plaintiff,

-v-

AMSTERDAM NURSING HOME  
CORPORATION,

Defendant.

20-CV-10068 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

1. For the reasons stated during the final pretrial conference held on May 4, 2023, Defendant's motion in limine, *see* ECF No. 47, is granted.

Defendant's motion – to which Plaintiff did not respond within the one-week period for response – seeks to preclude Plaintiff from presenting evidence at trial regarding lost earnings and medical damages. In addition to Plaintiff's failure to oppose the motion, the Court agrees with Defendant's position given Plaintiff's failure to provide discovery regarding these damages or to attend a Court-ordered independent medical examination.

Accordingly, Plaintiff is precluded from presenting evidence at trial regarding past or future lost earnings or seeking any damages regarding the same. Plaintiff is also precluded from presenting evidence regarding medical treatment damages after the date of the last records provided in discovery, which Defendant represents is approximately May 2020, or seeking any medical treatment damages from after that date.

2. The parties are advised that they are responsible for providing any interpretation or translation services for trial.

3. Counsel for each party shall deliver a thumb drive with electronic copies of any proposed exhibits by this Thursday, May 11, 2023, to Courtroom Deputy Bruce Hampton (212-805-4701; [bruce\\_hampton@nysd.uscourts.gov](mailto:bruce_hampton@nysd.uscourts.gov)).

4. The parties are advised that, pursuant to SDNY Local Rule 47.1, if the parties reach a settlement after 12:00 noon this Friday, May 12, 2023, the parties and/or counsel may be assessed the costs of one day's attendance of jurors summoned for the first day or trial on May 15, 2023.

The Clerk of Court is directed to close the motion at ECF No. 47.

SO ORDERED.

Dated: May 9, 2023  
New York, New York



J. PAUL OETKEN  
United States District Judge